

EXHIBIT 1

Kleinman, Ben

From: Kleinman-Green, Ben
Sent: Monday, June 11, 2018 11:37 AM
To: 'Ari Rafilson'; Dimitri Rizek
Cc: Blake Thompson; Boothe, Norris; Will Ellerman
Subject: RE: CyWee/Huawei: recapping today's call

Ari, we're still reviewing with the client. But to help keep this moving, below is an outline of a possible new schedule. I've highlighted a few dates that are close to US holidays. There's also a week-long holiday in China we're trying to keep in mind. While we determine IF we want to adjust the schedule, why don't you provide some feedback on the below so that we can get on the same page.

Thanks,
 Ben

| Original Date | Modified Date | Task |
|-------------------|-------------------|---|
| February 19, 2019 | April 9, 2019 | *Jury Selection – 9:00 a.m. in Marshall, Texas before Judge Robert Schroeder |
| January 30, 2019 | March 20, 2019 | *Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Roy Payne |
| January 17, 2019 | March 7, 2019 | *Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference. |
| January 15, 2019 | March 5, 2019 | *File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations |
| January 8, 2019 | February 26, 2019 | *File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov . |
| January 8, 2019 | February 26, 2019 | File Motions <i>in Limine</i> The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury. |

| | | |
|--------------------|--------------------|---|
| January 4, 2019 | February 22, 2019 | Serve Objections to Rebuttal Pretrial Disclosures |
| December 21, 2018 | February 8, 2019 | Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures |
| December 14, 2018 | February 1, 2019 | Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof |
| November 13, 2018 | December 28, 2018 | *File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court. |
| November 13, 2018 | December 28, 2018 | *File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. <u>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u> |
| November 2, 2018 | December 21 | Deadline to Complete Expert Discovery |
| October 19, 2018 | December 7 | Serve Disclosures for Rebuttal Expert Witnesses |
| September 28, 2018 | November 16 | Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof |
| September 21, 2018 | November 9 | Deadline to Complete Fact Discovery and File Motions to Compel Discovery |
| August 24, 2018 | October 12 | Deadline to Complete Mediation The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation. |
| August 17, 2018 | October 5 | Comply with P.R. 3-7 (Opinion of Counsel Defenses) |
| August 10, 2018 | September 28 | *Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Roy Payne |
| July 27, 2018 | September 14, 2018 | *Comply with P.R. 4-5(d) (Joint Claim Construction Chart) |
| July 20, 2018 | August 31, 2018 | *Comply with P.R. 4-5(c) (Reply Claim Construction Brief) |

| | | |
|----------------|--|---|
| July 13, 2018 | August 3, 2018 | Comply with P.R. 4-5(b) (Responsive Claim Construction Brief) |
| June 29, 2018 | July 6, 2018 (4 th of July week,) | Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a). |
| August 3, 2018 | September 14, 2018 | Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline. |
| June 15, 2018 | August 10, 2018 | Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery) |
| June 8, 2018 | June 12, 2018 | Comply with P.R. 4-3 (Joint Claim Construction Statement) |

Ben Kleinman-Green**Kilpatrick Townsend & Stockton LLP**

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office 415 273 7568 | cell 415 894 5518 | fax 415 723 7122

bkleinman-green@kilpatricktownsend.com | [My Profile](#) | [vCard](#)**From:** Ari Rafilson [mailto:arafilson@ShoreChan.com]**Sent:** Monday, June 11, 2018 9:26 AM**To:** Kleinman-Green, Ben <BKleinman-Green@kilpatricktownsend.com>; Dimitri Rizek <dimitri@warrenlex.com>**Cc:** Blake Thompson <blake@themannfirm.com>; Boothe, Norris <NBoothe@kilpatricktownsend.com>; Will Ellerman <wellerman@ShoreChan.com>**Subject:** RE: CyWee/Huawei: recapping today's call

Ben and Dimitri,

Can you provide an update on Huawei's position on the proposed extension today?

Thanks,

Ari

From: Kleinman-Green, Ben <BKleinman-Green@kilpatricktownsend.com>**Sent:** Thursday, June 7, 2018 11:44 PM**To:** Ari Rafilson <arafilson@ShoreChan.com>; Will Ellerman <wellerman@ShoreChan.com>**Cc:** Blake Thompson <blake@themannfirm.com>; Dimitri Rizek <dimitri@warrenlex.com>; nboothe@kilpatricktownsend.com**Subject:** RE: CyWee/Huawei: recapping today's call

We can agree to push the 4-3 statement to Tuesday. During the intervening time we will raise the issue of seeking the trial continuance.

I'm out of pocket most of the day tomorrow, so please include Norris (or the entire distribution list).

Thanks,
Ben

Ben Kleinman-Green

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From: Ari Rafilson [<mailto:arafilson@ShoreChan.com>]

Sent: Thursday, June 7, 2018 3:53 PM

To: Kleinman-Green, Ben <BKleinman-Green@kilpatricktownsend.com>; Will Ellerman <wellerman@ShoreChan.com>

Cc: Blake Thompson <blake@themannfirm.com>

Subject: RE: CyWee/Huawei: recapping today's call

Ben, Please see my corrections below in blue.

Thanks,

Ari

From: Kleinman-Green, Ben <BKleinman-Green@kilpatricktownsend.com>

Sent: Thursday, June 7, 2018 5:25 PM

To: Ari Rafilson <arafilson@ShoreChan.com>; Will Ellerman <wellerman@ShoreChan.com>

Cc: Blake Thompson <blake@themannfirm.com>

Subject: CyWee/Huawei: recapping today's call

Ari, Will,

I want to make sure we understand what you offered. Does this capture it?

- With 4-3 (which you suggested could be continued to next week), each side provides descriptions of expert testimony consistent with the examples Dimitri sent earlier

Correct

- Briefing and claim construction hearing schedule remains unchanged

This is incorrect. My proposal is that we contact the Court to see if the Court is amenable to reset the trial date to approximately 4-6 weeks from the current date. If the Court agrees, the parties would submit a joint proposed schedule. We recently did this in the Samsung case. The trial in our case will be moved anyway since CyWee v. Samsung is set for the same date before the same Judge. If the Court is amenable to moving the trial date, we can finalize dates for an amended proposed schedule, but the schedule would be changed so that (1) your responsive brief would be due approximately three weeks after our opening brief, and (2) our reply brief would be due approximately three weeks after your responsive brief. Other dates would move as well.

- We each have a three week window after the other side's opening briefing (and declaration) to do the depositions
 - That means that we each might not be able to do relevant depositions until after briefing is complete

This is incorrect. Our proposal is that you can depose our expert anytime he is available after we submit his opening declaration. We can depose your expert anytime he is available after you submit his declaration with your responsive brief. Both parties would work together to ensure that their expert is available at a mutually agreeable time during the three week window though.

- Rebuttal/responsive/amended declarations can be submitted with any reply briefs

Correct.

- At the hearing, deposition testimony can be cited, even if not briefed

Correct.



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EXHIBIT 2

Kleinman, Ben

From: Ari Rafilson <arafilson@ShoreChan.com>
Sent: Tuesday, August 28, 2018 9:07 AM
To: Erika Warren; TeamCyweeHuawei
Cc: HuaweiCyWee; Mark Mann; Blake Thompson; 17-495@cases.warrenlex.com
Subject: RE: CyWee Group Ltd. v. Huawei Device Co. Ltd. et al., No. 17-495 (E.D. Texas)

Erika, We have a reporter that will be here in about 30 minutes. We can discuss timing in the event there is an issue.

From: Erika Warren <erika@warrenlex.com>
Sent: Tuesday, August 28, 2018 11:03 AM
To: TeamCyweeHuawei
Cc: huaweicywee; Mark Mann; Blake Thompson; 17-495@cases.warrenlex.com
Subject: CyWee Group Ltd. v. Huawei Device Co. Ltd. et al., No. 17-495 (E.D. Texas)

Ari:

Thank you for letting me know. As you had previously discussed with Angela of our office, your firm failed to secure a court reporter to take the deposition of Professor Welch. At your request, we have contacted a local court reporting agency to see if they are able to send a reporter for CyWee; we'll let you know as soon as we hear back.

As you know, the witness got up very early and presented himself for deposition at 7:45 a.m. this morning to accommodate your requested start time of 8:00 a.m. Notwithstanding your firm's error in communication with your reporter, we trust you will agree that Professor Welch's deposition cannot reasonably go beyond 5:00 p.m. today. In the unlikely event that you disagree, please let me know immediately.

Thank you,
Erika

--

Erika Warren erika@warrenlex.com +1 (415) 895-2927

EXHIBIT 3

Kleinman, Ben

From: Michael Shore <mshore@ShoreChan.com>
Sent: Tuesday, August 28, 2018 9:12 AM
To: Erika Warren; TeamCyweeHuawei
Cc: HuaweiCyWee; Mark Mann; Blake Thompson; 17-495@cases.warrenlex.com
Subject: RE: CyWee Group Ltd. v. Huawei Device Co. Ltd. et al., No. 17-495 (E.D. Texas)

Erika,

CyWee will take Professor Welch's deposition for the 7 hours allowed by the rules, if necessary. A mistake in scheduling of a reporter is not a "Get Out of Deposition Free" card. If the witness cannot stay for the full length of the deposition, he can be examined until he must leave. If that is too early for a full examination, then we can reconvene the deposition tomorrow morning or via telephone. If Huawei ever had such a need, CyWee and its counsel would understand and accommodate, not try to take unfair advantage as you are here.

MWS

From: Erika Warren <erika@warrenlex.com>
Sent: Tuesday, August 28, 2018 11:04 AM
To: TeamCyweeHuawei <TeamCyweeHuawei@ShoreChan.com>
Cc: huaweicywee <huaweicywee@kilpatricktownsend.com>; Mark Mann <mark@themannfirm.com>; Blake Thompson <blake@themannfirm.com>; 17-495@cases.warrenlex.com
Subject: CyWee Group Ltd. v. Huawei Device Co. Ltd. et al., No. 17-495 (E.D. Texas)

Ari:

Thank you for letting me know. As you had previously discussed with Angela of our office, your firm failed to secure a court reporter to take the deposition of Professor Welch. At your request, we have contacted a local court reporting agency to see if they are able to send a reporter for CyWee; we'll let you know as soon as we hear back.

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Thank you,
Erika

--

Erika Warren erika@warrenlex.com +1 (415) 895-2927

EXHIBIT 4

Kleinman, Ben

From: Michael Shore <mshore@ShoreChan.com>
Sent: Thursday, August 23, 2018 11:15 AM
To: Ari Rafilson; Kleinman, Ben
Cc: TeamCyweeHuawei; HuaweiCyWee; 17-495@cases.warrenlex.com
Subject: RE: CyWee v. Huawei: LaViola deposition

We are not producing Dr. LaViola repeatedly just so every Defendant can ask the same questions. Its abusive of him and CyWee. If they have different questions to ask, they can provide them in writing.

From: Ari Rafilson
Sent: Thursday, August 23, 2018 1:14 PM
To: Kleinman, Ben <BKleinman@kilpatricktownsend.com>
Cc: TeamCyweeHuawei <TeamCyweeHuawei@ShoreChan.com>; huaweicywee <huaweicywee@kilpatricktownsend.com>; 17-495@cases.warrenlex.com
Subject: RE: CyWee v. Huawei: LaViola deposition

Ben, We don't have dates yet, and hope to propose dates next week. In the meantime please confirm that Dr. Welch's deposition can begin at 8 am as requested in the attached emails and confirm the address for the deposition.

Best Regards,

Ari

From: Kleinman, Ben <BKleinman@kilpatricktownsend.com>
Sent: Thursday, August 23, 2018 1:08 PM
To: Ari Rafilson <arafilson@ShoreChan.com>
Cc: TeamCyweeHuawei <TeamCyweeHuawei@ShoreChan.com>; huaweicywee <huaweicywee@kilpatricktownsend.com>; 17-495@cases.warrenlex.com
Subject: RE: CyWee v. Huawei: LaViola deposition

Ari, following up. Please reply.

Thanks,
Ben

Ben Kleinman

Kilpatrick Townsend & Stockton LLP

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From: Kleinman, Ben
Sent: Monday, August 20, 2018 8:49 AM
To: 'Ari Rafilson' <arafilson@ShoreChan.com>
Cc: TeamCyweeHuawei <TeamCyweeHuawei@ShoreChan.com>; HuaweiCyWee <HuaweiCyWee@kilpatricktownsend.com>; 17-495@cases.warrenlex.com
Subject: CyWee v. Huawei: LaViola deposition

Ari,

Please let us know when and where you will make Dr. LaViola available for deposition the weeks of September 10 and 17.

Thanks,
Ben



Ben Kleinman

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EXHIBIT 5

Kleinman, Ben

From: Michael Shore <mshore@ShoreChan.com>
Sent: Tuesday, August 28, 2018 8:59 AM
To: Kleinman, Ben; Ari Rafilson
Cc: TeamCyweeHuawei; HuaweiCyWee; 17-495@cases.warrenlex.com
Subject: RE: CyWee v. Huawei: LaViola deposition

Ben,

We will seek a protective order, then. Please provide a day and time to conference formally on the issue per the Local Rules.

Michael

From: Kleinman, Ben <BKleinman@kilpatricktownsend.com>
Sent: Tuesday, August 28, 2018 10:34 AM
To: Michael Shore <mshore@ShoreChan.com>; Ari Rafilson <arafilson@ShoreChan.com>
Cc: TeamCyweeHuawei <TeamCyweeHuawei@ShoreChan.com>; huaweicywee <huaweicywee@kilpatricktownsend.com>; 17-495@cases.warrenlex.com
Subject: RE: CyWee v. Huawei: LaViola deposition

Michael,

We do not agree to limit the deposition as you propose. We will depose Dr. LaViola, as noticed, on any topics relevant to the construction of the claims at issue in this case.

Ben

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From: Michael Shore <mshore@ShoreChan.com>
Sent: Friday, August 24, 2018 9:31 AM
To: Kleinman, Ben <BKleinman@kilpatricktownsend.com>; Ari Rafilson <arafilson@ShoreChan.com>
Cc: TeamCyweeHuawei <TeamCyweeHuawei@ShoreChan.com>; HuaweiCyWee <HuaweiCyWee@kilpatricktownsend.com>; 17-495@cases.warrenlex.com
Subject: RE: CyWee v. Huawei: LaViola deposition

Ben,

We are not opposed to providing a limited deposition of Dr. LaViola that covers things not included in any prior depositions. If you will agree to limit the deposition to ONLY the content of the declarations filed in the Huawei case, we will make him available. If you will not so agree, we will need to go to the Court and get some guidance. I am sure you understand that we think having Dr. LaViola deposed 8 times on claims construction is absurd. We will of course make him available to be fully deposed on any opinions related to infringement by the Huawei products at the appropriate

time after expert reports on infringement or on Huawei's affirmative defenses. But to say he can be deposed generally on Markman is not reasonable.

Regards,

Michael

From: Kleinman, Ben <BKleinman@kilpatricktownsend.com>
Sent: Friday, August 24, 2018 11:27 AM
To: Michael Shore <mshore@ShoreChan.com>; Ari Rafilson <arafilson@ShoreChan.com>
Cc: TeamCyweeHuawei <TeamCyweeHuawei@ShoreChan.com>; huaweicywee <huaweicywee@kilpatricktownsend.com>; 17-495@cases.warrenlex.com
Subject: RE: CyWee v. Huawei: LaViola deposition

Michael,

In light of, inter alia, the stipulation we reached and that the Court relied upon in entering the amended docket control order (see Dkt. No. 70: "If Plaintiff submits an expert declaration or declarations, Plaintiff shall make Dr. Joseph LaViola available for a deposition at a mutually agreed time at least one week before the deadline for Defendants to file their Sur-Reply Claim Construction Brief") we are serving a notice of deposition for Dr. LaViola. An essential purpose of the stipulation, as documented in the correspondence culminating in the stipulation and in the first "whereas" clause of Dkt. No. 70, was to ensure that there was adequate time to take in-person depositions of each other's experts.

Unless you receive a signed protective order stating that we are not permitted to depose Dr. LaViola orally, we will take the deposition as noticed.

Ben

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To: Kleinman, Ben <BKleinman@kilpatricktownsend.com>; Ari Rafilson <arafilson@ShoreChan.com>
Cc: TeamCyweeHuawei <TeamCyweeHuawei@ShoreChan.com>; HuaweiCyWee <HuaweiCyWee@kilpatricktownsend.com>; 17-495@cases.warrenlex.com
Subject: RE: CyWee v. Huawei: LaViola deposition

Ben,

Dr. LaViola will not be deposed again. He has been deposed repeatedly already and we are willing to provide those deposition transcripts. If Huawei has different questions to ask him than those asked by Samsung, CyWee will agree to have him answer them in the form of a deposition on written questions.

If we need to move for a protective order, please let us know. But we are not going to potentially present Dr. LaViola for up to 16 depositions of the same questions on the same issues. It is unduly burdensome and not supportable by any particular need of any Defendant.

Michael

From: Kleinman, Ben <BKleinman@kilpatricktownsend.com>
Sent: Thursday, August 23, 2018 1:08 PM
To: Ari Rafilson <arafilson@ShoreChan.com>
Cc: TeamCyweeHuawei <TeamCyweeHuawei@ShoreChan.com>; huaweicywee <huaweicywee@kilpatricktownsend.com>; 17-495@cases.warrenlex.com
Subject: RE: CyWee v. Huawei: LaViola deposition

Ari, following up. Please reply.

Thanks,
Ben

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Cc: TeamCyweeHuawei <TeamCyweeHuawei@ShoreChan.com>; HuaweiCyWee <HuaweiCyWee@kilpatricktownsend.com>; 17-495@cases.warrenlex.com
Subject: CyWee v. Huawei: LaViola deposition

Ari,

Please let us know when and where you will make Dr. LaViola available for deposition the weeks of September 10 and 17.

Thanks,
Ben



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